



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,737	09/22/2000	James R. Hansen	11333-011001	9978

26161 7590 02/23/2004

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

WU, YICUN

ART UNIT	PAPER NUMBER
----------	--------------

2175

DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No

09/667,737

Applicant(s)

HANSEN, JAMES R.

Examiner

Yicun Wu

Art Unit

2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-61 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

DIANE D. MIZRAHI
PRIMARY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2,3,5.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

Art Unit: 2175

III. DETAILED ACTION

1. Claims 1-61 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-61 are rejected under 35 U.S.C. 102(e) as being anticipated over Lim et al., (U.S. Patent No. 6,370,582).

As to claims 1, 10, 20, 24, 33, 43, 52, Lim et al. discloses a method performed by a controller embedded in a device for retrieving data from a server, comprising:

sending a command to the server that identifies an instance of the device (Lim et al. Fig. 4); and

receiving, from the server and in response to command, data that is specific to the instance of the device (Lim et al. Fig.

4).

Art Unit: 2175

As to claims 2, 15, 25, 36, 44, 55 Lim et al. discloses a method wherein the command includes an operational parameter for the device and the data comprises an updated value for the operational parameter (Lim et al. col. 8 lines 56 - col. 9 lines 11 and Fig. 4).

As to claims 3, 26, 45 Lim et al. discloses a method wherein the command includes plural operational parameters for the device and the data comprises updated values that differ from current values of the operational parameters (Lim et al. col. 8 lines 56 - col. 9 lines 11 and Fig. 4).

As to claims 4, 13-14, 27, 37-38, 46, 56-57, Lim et al. discloses a method wherein the data comprises a list of operational parameters; and the method further comprises:

 sending a second command to the server, which includes operational parameters from the list; and receiving, from the server and in response to second command, updated values of one or more of the operational parameters included in the second command (Lim et al. col. 8 lines 56 - col. 9 lines 11 and Fig. 4).

Art Unit: 2175

As to claims 6, 16, 29, 39, 48, 58, Lim et al. discloses a method wherein the data comprises configuration file for the device (Lim et al. col. 6, lines 39-47 and col. 8 lines 64 - col. 9 lines 11 and Fig. 4).

As to claims 7,11, 30, 34, 49, 53, Lim et al. discloses a method wherein the command is identifies the instance of the device by a device type and/or one or more of a serial number and a universal unique identifier (Lim et al. col. 6, lines 39-47 and col. 8 lines 56 - col. 9 lines 11 and Fig. 4).

As to claims 8,31, 50, Lim et al. discloses a method wherein the embedded controller sends the command to the server periodically (Lim et al. col. 6, lines 39-47 and col. 8 lines 64 - col. 9 lines 11 and Fig. 4).

As to claims 9, 18-19, 21-23, 32, 41-42, 51, 60-61, Lim et al. discloses a method wherein the server runs the Hypertext Transfer Protocol and the command contains Extensible Markup Language Code (Lim et al. col. 2, lines 48-67 and col. 4, lines 47-62).

Art Unit: 2175

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this

Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5, 12, 28, 35, 47, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lim et al., (U.S. Patent No. 6,370,582) in view of Papadopoulos et al. (U.S. Patent No. 6,282,454).

As to Claim 1, the teachings of Lim et al. have been discussed above.

Lim et al. does not teach parsing the operations from the list; and performing the operations from the list.

Papadopoulos et al. teaches parsing the operations from the list; and performing the operations from the list (Papadopoulos et al. Col. 8, lines 15-25).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to

Art Unit: 2175

have modified Lim et al. with parsing the operations from the list; and performing the operations from the list.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Lim et al. by the teaching of Papadopoulos et al. because providing parsing the operations from the list; and performing the operations from the list allows an user could use general, commercial networks such as the Internet in place of specialized industrial networks to remotely monitor automation control devices as taught by Papadopoulos et al. (col. 2, lines 25-29).

6. As to claims 17, 40 and 59, the limitations of these claims have been noted in the rejection above. They are therefore rejected as set forth above.

Prior Art Made of Record

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Caspers et al. (U.S. Patent No. 6,651,110);

Worley et al. (U.S. Patent No. 6,651,190).

Art Unit: 2175

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yicun Wu whose telephone number is 703-305-4889. The examiner can normally be reached on 8:00 am to 4:30 pm, Monday -Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-746-7240 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Yicun Wu
Patent Examiner
Technology Center 2100

~~DIANE P. MIZRAHI~~
~~PRIMACY PATENT EXAMINER~~
~~TECHNOLOGY CENTER 2100~~

February 17, 2004